

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-cv-66-GCM

MARSHALL LEE BROWN, JR.,

Plaintiff,

v.

GEORGE T. SOLOMON, et al.

Defendants.

**DECLARATION OF
JOHN MICHAEL DURNOVICH**

I, John Michael Durnovich, declare under penalty of perjury as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I have served as Marshall Lee Brown's lead counsel in this case since January 2019.

My colleagues at Poyner Spruill LLP and I accepted this representation pro bono, while reserving in our engagement letter the right to seek an award of statutory attorneys' fees. In keeping with the spirit of this pro bono commitment, and at the Court's discretion, Poyner Spruill intends to apply any fee award in this case to either (a) making a charitable contribution to a non-profit legal service provider, or (b) financing the costs and expenses (non-attorneys' fees) of our firm's future pro bono endeavors.

3. I received my undergraduate degree at the University of Virginia, and law degree at the University of North Carolina. Since graduating from law school, I have practiced litigation with the law firm of Poyner Spruill LLP. My practice is focused on government-related litigation and constitutional challenges. Over my career, I have gained experience litigating complex constitutional cases at all levels, including at the U.S. Supreme Court. I also have experience negotiating settlements in federal litigation against government agencies, and recently served as

lead counsel in reaching a favorable resolution of multi-year litigation against the Internal Revenue Service. I have been recognized as a “Rising Star” by *North Carolina Super Lawyers* magazine in 2019 and 2020. In addition, I have been recognized as a member of the *North Carolina Pro Bono Honor Society* every year since its inception.

4. In my experience, litigating against government agencies presents unique challenges. The North Carolina Department of Justice, which handled the defense of this case, is a well-funded opponent and vigorously pursues its litigation positions. Moreover, litigation against state agencies is typically more time-consuming than other complex civil litigation. That was particularly true in this case, where settlement discussions were routinely delayed pending approval of the appropriate agency officials at the Department of Public Safety.

5. Our client’s incarceration also presented its own set of challenges. For example, in June 2019, the Department transferred Mr. Brown—without any notice to his counsel—to another facility roughly three hours away, causing a considerable delay in counsel’s communications with Mr. Brown.

6. I have carefully studied the billing records for this matter. The records attached as **Exhibit A** to this affidavit accurately reflect the time that my colleagues and I devoted to this matter. These materials were compiled using contemporaneously-created time records. As Exhibit A demonstrates, this case required significant effort from Poyner Spruill attorneys and staff.

7. Plaintiff is seeking the following hours for each timekeeper:

John M. Durnovich	88.0
N. Cosmo Zinkow	17.7
Andrew H. Erteschik	14.2
Nia K. Doaks	3.4
Kimberly K. Simon	11.5
Joanna King	1.3
TOTAL	136.1

8. Each of these timekeepers made valuable contributions to Mr. Brown's case.

9. My colleague Andrew H. Erteschik served as co-counsel and provided invaluable strategic advice and guidance to advance Mr. Brown's case. Mr. Erteschik has extensive experience litigating constitutional challenges and serves as the chair of Poyner Spruill's Government & Constitutional Litigation practice group. Among many other accomplishments, Mr. Erteschik has been inducted into the Legal Elite "Hall of Fame" by *Business North Carolina* magazine.

10. My colleague Cosmo Zinkow also served as co-counsel and contributed greatly to preparing Mr. Brown's case for trial and evaluating complex legal issues. Mr. Zinkow practices civil litigation and has experience litigating disputes with government agencies.

11. Nia K. Doaks, Kimberly Simon, and Joanna King also made valuable contributions to Mr. Brown's case. Ms. Doaks was a law clerk, Ms. Simon is an administrative assistant, and Ms. King is a paralegal. The tasks these individuals performed would have been performed by lawyers if not by law clerks and support staff, and their fees would ordinarily be charged to clients of the firm.

12. The hours worked on this case can be divided into two main phases: trial preparation and settlement efforts.

13. The first 80.5 hours of work—the majority of our time—were predominately related to trial preparation. My colleagues and I entered appearances in this litigation on January 10, 2019, at which point the case was set for trial beginning March 4, 2019.¹ Consequently, we were forced to work intensively to get up to speed on the complex legal, religious, and factual

¹ This case was reassigned from Judge Whitney to Judge Mullen in January 2019, at which point the trial date was moved to May 28, 2019. *See* Dkt. 55, 57.

issues in the case. At the same time, we immediately began preparing for trial, including by interviewing multiple fact witnesses and potential experts on the underlying issues of religious doctrine.

14. In April 2019, the parties began engaging in settlement discussions and, therefore, requested and obtained a stay of the litigation to pursue those efforts. Consequently, the remaining 55.6 hours of our work were devoted primarily to settlement efforts.

15. The settlement process was unusually time consuming due in large part to the Department's repeated delays. These delays are summarized below:

- In April 2019, the Department agreed to provide proposed revisions to the Manual, and the parties therefore obtained a stay to pursue settlement.
- After we made several requests for updates, the Department provided its first proposed revisions to the Manual on June 14. We responded the same day with questions and requests for clarification about the proposed revisions.
- After we made several requests for a response, the Department responded to our inquiries on July 24. On July 29, we provided the Department with additional proposed revisions in light of its response.
- On August 27, the Department provided a new proposed version of the Manual. The next day, we responded with additional revisions and suggested clarifications.
- After we made several requests for a response, the Department responded to our proposal and provided additional revisions on October 30. Around this time, opposing counsel was away from the office for medical reasons, and notified us of her return on November 14.
- On December 5, we sent the Department our final set of proposed revisions.
- On December 11, the Department sent us additional revisions. That same day, we responded with terms for a proposed consent decree.
- After we made several requests for a response, the Department tentatively agreed to our proposed consent decree terms on January 31.
- On February 11, the Department confirmed its agreement to our proposed consent decree terms.

- After reducing the terms to a formal consent decree and judgment, the parties jointly moved for entry of the proposed consent decree on March 2. The Court entered the consent decree on March 5.

16. In sum, Plaintiff is seeking a total of 136.1 hours of legal time incurred by Poyner Spruill.

17. At our standard rates, this amount of time would amount to \$42,943.50. However, we have reduced our hourly rates substantially in accordance with the Prisoner Litigation Reform Act, 42 U.S.C. § 1997e, which sets a maximum hourly rate ranging from \$210 per hour to \$228 per hour. Therefore, consistent with the PLRA, Plaintiff is seeking a total of \$29,577.60 in fees to date.

18. All of these hours were necessary to prepare this case for trial and ultimately negotiate a favorable resolution prior to trial.

19. The hourly rates requested are substantially less than the rates charged for similar services performed by attorneys of comparable skill, experience, and reputation in the legal community for this work in Mecklenburg County, North Carolina.

20. In addition, Poyner Spruill has incurred costs in the amount of \$902.93. These costs include legal research costs, printing costs, mileage at the IRS rate and reasonable administrative fees that encompass copying costs, delivery costs, and filing fees. The records attached as **Exhibit B** to this affidavit accurately reflect the costs that our firm incurred in this matter.

21. These costs were necessary to bring this matter to a successful resolution, and, in my experience, are reasonable and consistent with costs incurred in other complex matters such as this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This the 16th day of March, 2020.



John Michael Durnovich

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
12/19/2018	Durnovich, John (JM) M.	\$210.00	1.3	\$273.00	Communications with Judge Whitney's clerk regarding possible representation pro bono; initial review of docket and summary judgment order.
12/19/2018	Durnovich, John (JM) M.	\$210.00	0.3	\$63.00	Telephone conference with Andrew Erteschik regarding potential engagement.
12/19/2018	Erteschik, Andrew H.	\$210.00	0.2	\$42.00	Phone conversation with JM Durnovich re background facts.
12/20/2018	Durnovich, John (JM) M.	\$210.00	2.7	\$567.00	Communications with Judge Whitney's clerk regarding possible representation pro bono.
12/20/2018	Zinkow, N. Cosmo	\$210.00	0.3	\$63.00	Emails with litigation team re new matter; review of summary judgment motion
12/20/2018	Erteschik, Andrew H.	\$210.00	0.9	\$189.00	Initial review and analysis of summary judgment order and conference with litigation team re next steps for case intake.
12/21/2018	Durnovich, John (JM) M.	\$210.00	0.7	\$147.00	Initial review of background information regarding Jehovah's Witness faith; communications with clerk's office regarding potential representation.
12/26/2018	Durnovich, John (JM) M.	\$210.00	1.6	\$336.00	Receipt and review of orders regarding request to represent Brown and pretrial conference; revise engagement letter; draft letter to prison requesting visit.
12/27/2018	Durnovich, John (JM) M.	\$210.00	0.5	\$105.00	Draft visitation request and coordinate transmission of same to Alexander Correctional Institution.
12/31/2018	Durnovich, John (JM) M.	\$210.00	0.9	\$189.00	Begin researching and reviewing elements of RLUIPA claims and cases regarding [ACP information].
1/2/2019	Durnovich, John (JM) M.	\$210.00	0.2	\$42.00	Communications with Judge Whitney's clerk Erin McClachlan regarding representation.
1/3/2019	Durnovich, John (JM) M.	\$210.00	0.1	\$21.00	Attempt to contact Alexander Correctional Institution to follow-up on request for visitation.
1/3/2019	Zinkow, N. Cosmo	\$210.00	2.4	\$504.00	Review of docket and complaint; Paperwork for WDNC
1/4/2019	Durnovich, John (JM) M.	\$210.00	0.3	\$63.00	Telephone conference with Marshall Brown regarding [ACP information]; coordinate mailing of engagement letter to Marshall Brown.
1/7/2019	Durnovich, John (JM) M.	\$210.00	0.2	\$42.00	Call to Alexander Correction Institution in continued effort to schedule visitation.
1/9/2019	Erteschik, Andrew H.	\$210.00	0.9	\$189.00	Attention to notice of hearing of pre-trial conference. Coordinating trial team's next steps. Review of deadlines and coordinating fulfillment of pre-trial obligations. Attention to case transfer. Conference with litigation team re [ACP information]. E-mail correspondence with litigation team re additional pretrial matters
1/9/2019	Zinkow, N. Cosmo	\$210.00	3	\$630.00	Research and analysis [ACP information]; phone calls with clerk's office concerning pretrial timeline; review and analysis of docket
1/9/2019	Durnovich, John (JM) M.	\$210.00	1.2	\$252.00	Draft second written request to Alexander Correctional Institution for visitation with Marshall Brown; receipt and review of revised notice of final pretrial conference and order regarding referral of matter to Judge Mullen; review Judge Mullen's pretrial order and evaluate upcoming deadlines.
1/10/2019	Zinkow, N. Cosmo	\$210.00	0.4	\$84.00	Emails with litigation team re expert witness; review of materials regarding the same

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
1/10/2019	Erteschik, Andrew H.	\$210.00	0.5	\$105.00	Review of materials re whether [ACP information]. Coordinating expert-witness search with litigation team. E-mail correspondence with opposing counsel re appearance in case.
1/10/2019	Durnovich, John (JM) M.	\$210.00	1.7	\$357.00	Communications with law clerk Erin McLachlan regarding transfer of case to Judge Mullen; revise Notice of Appearance and coordinate filing of same; telephone conference with Alexander Correctional Institution regarding scheduling of visit with Mr. Brown;
1/10/2019	King, Joanna	\$210.00	1.1	\$231.00	Revise and finalize Notices of Appearance for Andrew Erteschik, J.M. Durnovich and Cosmo Zinkow. Electronically submit pleading to the Court using electronic case management system.
1/13/2019	Erteschik, Andrew H.	\$210.00	3.4	\$714.00	Attend Jehovah's Witnesses service ("Meeting") to gain fuller understand of worship circumstances that client seeks. Follow-up discussion with litigation team re same.
1/13/2019	Durnovich, John (JM) M.	\$210.00	8.6	\$1,806.00	Review and evaluate affidavits submitted by Defendants in support of summary judgment; analysis of [ACP information]; travel to and attend Jehovah's Witness meeting with litigation team.
1/13/2019	Zinkow, N. Cosmo	\$210.00	3.8	\$798.00	Attended JW church service
1/16/2019	Durnovich, John (JM) M.	\$210.00	0.3	\$63.00	Communications with potential witness Kenneth Holmes regarding transfer of Marshall Brown.
1/16/2019	Durnovich, John (JM) M.	\$210.00	0.4	\$84.00	Telephone conference with Kenneth Holmes regarding Mr. Brown's transfer from Alexander Correctional Institution.
1/17/2019	Durnovich, John (JM) M.	\$210.00	0.2	\$42.00	Communications with Kim Simon regarding efforts to finalize visit with client.
1/18/2019	Erteschik, Andrew H.	\$210.00	0.1	\$21.00	E-mail correspondence with litigation team re status of meeting with client.
1/18/2019	Durnovich, John (JM) M.	\$210.00	0.4	\$84.00	Communications with Marion Correctional Institution regarding scheduling of visit and credentials.
1/18/2019	Simon, Kimberly K.	\$210.00	0.4	\$84.00	Prepare letter to NC Dept. of Public Safety requesting visitation of inmate, including providing required credentials of JM Durnovich, C. Zinkow and K. Simon. Follow-up with Visitation Office for confirmation of visit.
1/24/2019	Simon, Kimberly K.	\$210.00	0.3	\$63.00	Draft interview questions.
1/25/2019	Durnovich, John (JM) M.	\$210.00	8.3	\$1,743.00	Travel to Marion Correctional Institution for meeting with Marshall Brown.
1/25/2019	Durnovich, John (JM) M.	\$210.00	1.5	\$315.00	Analysis of [ACP information] and prepare list of questions for initial meeting.
1/25/2019	Erteschik, Andrew H.	\$210.00	0.1	\$21.00	E-mail correspondence with litigation team re [ACP information].
1/25/2019	Simon, Kimberly K.	\$210.00	10.8	\$2,268.00	Travel to Marion Correctional Institution. Meeting with JM Durnovich prior to interview with client. Interview client. Return to Raleigh.
2/12/2019	Durnovich, John (JM) M.	\$210.00	0.5	\$105.00	Telephone conference with potential witness Kenneth Holmes regarding Marshall Brown and pending habeas petition.
2/21/2019	Durnovich, John (JM) M.	\$222.00	1.4	\$310.80	Telephone conference with consultant Watchtower attorneys regarding case background and general constitutional issues presented.
2/21/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	E-mail correspondence with trial team re status.

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
2/22/2019	Durnovich, John (JM) M.	\$222.00	0.4	\$88.80	Communications with consultant Crystal Matteson from Watchtower legal regarding religious doctrine at issue.
2/25/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	E-mail correspondence with trial team re conversation with Court clerk and upcoming trial scheduling.
2/25/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Communications with legal department at Watchtower regarding religious doctrine.
2/26/2019	Erteschik, Andrew H.	\$222.00	0.5	\$111.00	Review of pre-trial order. Related conference with trial team re subpoenas and next steps.
2/26/2019	Durnovich, John (JM) M.	\$222.00	2	\$444.00	Receipt and review of order setting trial date; meeting with litigation team to identify initial tasks for trial preparation; review and analysis of [ACP information].
2/26/2019	Zinkow, N. Cosmo	\$222.00	4.4	\$976.80	Research and analysis of [ACP information]; phone call with litigation team [ACP information]; review and analysis of Judge Mullen's scheduling requirements; emails and calendar invites pertaining to the same
2/27/2019	Durnovich, John (JM) M.	\$222.00	1.2	\$266.40	Draft letter to Marshall Brown regarding [ACP information]; analysis of issues regarding [ACP information].
2/28/2019	Durnovich, John (JM) M.	\$222.00	1.2	\$266.40	Communications with Kim Simon regarding [ACP information]; Communications with potential witness Louis Fittipaldi regarding potential involvement as witness.
3/5/2019	Zinkow, N. Cosmo	\$222.00	0.4	\$88.80	Review and analysis of edocket with Kim
3/7/2019	King, Joanna	\$222.00	0.2	\$44.40	Research and provide Kim Simon with Judge Mullen's staff information.
3/12/2019	Zinkow, N. Cosmo	\$222.00	0.2	\$44.40	Review and analysis of docket and scheduling order
3/14/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	Conference with JM Durnovich re interview of witness.
3/14/2019	Durnovich, John (JM) M.	\$222.00	3.5	\$777.00	Telephone conference with potential witness Ashley Thomas regarding experiences with prison ministry; Telephone conference with potential witness Jeff Haislip regarding experiences with prison ministry; Telephone conference with potential witness Larry McGhaw regarding experiences with prison ministry; Telephone conference with potential witness Louis Fittipaldi regarding experiences with prison ministry.
3/15/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Communications with Kim Simon regarding follow-up to telephone witness interviews and strategy for moving forward.
3/20/2019	Durnovich, John (JM) M.	\$222.00	0.5	\$111.00	Communications with Kim Simon regarding potential trial witnesses; attention to issues regarding delivery of materials from Marshall Brown.
3/21/2019	Durnovich, John (JM) M.	\$222.00	0.8	\$177.60	Telephone conference with Crystal Matteson at Watchtower regarding potential witness testimony at trial and Watchtower's request for conference call; coordinate scheduling of conference call with Watchtower.
3/25/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Telephone conference with Joel Taylor of Watchtower regarding upcoming trial and witness testimony.
3/26/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Telephone conference with potential witness Louis Fittipaldi regarding upcoming trial and availability to testify.

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
3/27/2019	Durnovich, John (JM) M.	\$222.00	1.2	\$266.40	Telephone conference with potential witness Ashley Thomas regarding upcoming trial and availability to testify; draft letter to Louis Fittipaldi regarding trial subpoena; coordinate service of trial subpoena.
4/1/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Receipt and review of documents from Marshall Brown.
4/5/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	E-mail correspondence with JM Durnovich re [ACP information]. Related phone conversation with JM Durnovich re [ACP information].
4/5/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Telephone conference with opposing counsel regarding potential settlement terms.
4/8/2019	Erteschik, Andrew H.	\$222.00	1.1	\$244.20	Conference with JM Durnovich and Cosmo Zinkow re strategy for [ACP information]. Conference with opposing counsel re potential settlement. Follow-up conference with JM Durnovich and Cosmo Zinkow re [ACP information].
4/8/2019	Durnovich, John (JM) M.	\$222.00	1.9	\$421.80	Analysis of issues regarding [ACP information]; telephone conference with opposing counsel regarding proposed settlement terms and potential stay of litigation; conference with litigation team regarding [ACP information].
4/8/2019	Zinkow, N. Cosmo	\$222.00	1.5	\$333.00	Meeting with litigation team re [ACP information]; meeting with opposing counsel re settlement potential; follow up meeting with litigation team regarding [ACP information].
4/9/2019	Erteschik, Andrew H.	\$222.00	0.5	\$111.00	Reviewing and editing/revising joint stay motion. Related e-mail correspondence with opposing counsel. Review of opposing counsel's draft stay motion content.
4/9/2019	Durnovich, John (JM) M.	\$222.00	3	\$666.00	Telephone conference with Marshall Brown regarding [ACP information]; communications with opposing counsel regarding possibility of settlement, upcoming trial deadlines, and stay of trial deadlines; draft joint motion to stay trial and pre-trial deadlines pending settlement discussions; analysis of issues regarding [ACP information].
4/10/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	Conference with Kim Simon re [ACP information].
4/11/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	E-mail correspondence with JM Durnovich re joint stay motion.
4/11/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	E-mail correspondence with litigation team re status of joint motion and call to court's case manager.
4/11/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Communications with opposing counsel regarding revisions to joint motion to stay; telephone conference with clerk to notify court of filing of motion to stay.
4/18/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Draft letter to Marshall Brown regarding [ACP information].
4/26/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Telephone conference with potential witness Ashley Thomas regarding postponement of trial; Telephone conference with potential witness Louis Fittipaldi regarding postponement of trial.
5/3/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Communications with AAG Yvonne Ricci regarding draft revisions to policy.
5/13/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	Conference with litigation team re upcoming deadlines and status of NCDOJ policy redraft.
5/13/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Communications with Yvonne Ricci regarding status of policy revisions.
5/14/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Coordinate research concerning [ACP information].

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
5/15/2019	Durnovich, John (JM) M.	\$222.00	0.5	\$111.00	Analysis of issues regarding [ACP information].
5/16/2019	Doaks, Nia K.	\$222.00	0.6	\$133.20	Researching [ACP information].
5/17/2019	Doaks, Nia K.	\$222.00	0.6	\$133.20	Continuing to research [ACP information].
5/20/2019	Doaks, Nia K.	\$222.00	1.3	\$288.60	Legal analysis of [ACP information].
5/23/2019	Doaks, Nia K.	\$222.00	0.9	\$199.80	Draft memorandum to JMD re [ACP information].
6/6/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Meeting with Kim Simon to discuss [ACP information].
6/11/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Communications with Yvonne Ricci regarding status of policy revisions.
6/14/2019	Erteschik, Andrew H.	\$222.00	0.3	\$66.60	E-mail correspondence with opposing counsel re prison policy revisions. Brief review of prison policy revisions.
6/14/2019	Durnovich, John (JM) M.	\$222.00	0.5	\$111.00	Receipt and review of draft revisions to religious manual.
6/17/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	Brief review of status report. Discussion with Kim Simon re settlement-related issues.
6/17/2019	Durnovich, John (JM) M.	\$222.00	1.5	\$333.00	Receipt and review of proposed revisions to Religious Manual; draft letter to Marshall Brown concerning [ACP information]; receipt and review of draft Status Report; revise Status Report and discuss filing of same with Yvonne Ricci; continued work reviewing proposed revisions to Religious Manual and adequacy of proposal.
6/18/2019	Durnovich, John (JM) M.	\$222.00	1.1	\$244.20	Draft letter to Marshall Brown regarding [ACP information]; analysis of issues regarding [ACP information].
6/19/2019	Erteschik, Andrew H.	\$222.00	0.1	\$22.20	Review of Court's order on joint motion to stay.
6/20/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Analysis of issues regarding [ACP information].
6/25/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Attention to issues regarding prison's delayed delivery of settlement correspondence to Marshall Brown.
7/5/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Work on contacting Marshall Brown and communicate with prisons regarding transfer to new facility.
7/11/2019	Erteschik, Andrew H.	\$222.00	0.1	\$22.20	E-mail correspondence with opposing counsel re status.
7/15/2019	Durnovich, John (JM) M.	\$222.00	0.5	\$111.00	Receipt and review of letter from Marshall Brown regarding transfer and review of proposed revisions to manual; telephone conference with Scotland Correctional Institution to request information regarding Marshall Brown's transfer.
7/16/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Attempt to contact Case Manager Calvin Bethea at Scotland Correctional Institution.
7/17/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Continued attempts to contact Case Manager Calvin Bethea.
7/18/2019	Erteschik, Andrew H.	\$222.00	0.1	\$22.20	E-mail correspondence with opposing counsel re status.
7/18/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Coordinate fax to Scotland CI requesting telephone conference with Marshall Brown.

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
7/23/2019	Durnovich, John (JM) M.	\$222.00	0.7	\$155.40	Communications with Yvonne Ricci to follow up on questions concerning policy revisions; telephone conference with Marshall Brown regarding [ACP information].
7/24/2019	Durnovich, John (JM) M.	\$222.00	0.9	\$199.80	Receipt and review of revised Manual and related policy revisions from Yvonne Ricci.
7/25/2019	Erteschik, Andrew H.	\$222.00	0.4	\$88.80	Review and analysis of new state policy and related e-mail correspondence with litigation team re [ACP information].
7/25/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Communications with litigation team regarding [ACP information].
7/25/2019	Zinkow, N. Cosmo	\$222.00	0.7	\$155.40	Review and analysis of revised religious practices manual; email with litigation team regarding the same.
7/29/2019	Durnovich, John (JM) M.	\$222.00	1.4	\$310.80	Draft response to Yvonne Ricci outlining concerns and feedback on proposed revisions to religious manual.
7/29/2019	Erteschik, Andrew H.	\$222.00	0.2	\$44.40	Review of emails to opposing counsel re interpretation of new policy.
8/15/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Receipt and review of draft Joint Status Report; communications with Yvonne Ricci regarding status report and scheduling of conference to discuss further revisions.
8/23/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Analysis of issues regarding [ACP information].
8/27/2019	Durnovich, John (JM) M.	\$222.00	2	\$444.00	Analysis of issues regarding proposed revisions to prison policies in preparation for settlement conference.
8/28/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Draft proposed language concerning offenders' right to schedule additional corporate worship sessions and transmit proposal to opposing counsel.
8/29/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Draft letter to Marshall Brown regarding [ACP information].
9/20/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Communications with opposing counsel regarding status of proposed revisions.
10/7/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Receipt and review of letter and documents from Marshall Brown regarding [ACP information].
10/8/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Review communications with State regarding assurances for pastoral visits.
10/9/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Communications with Kim Simon regarding updates from potential witnesses and [ACP information].
10/9/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Telephone conference with Yvonne Ricci regarding efforts to revise religious policies and upcoming status report.
10/10/2019	Durnovich, John (JM) M.	\$222.00	0.4	\$88.80	Communications with Kim Simon regarding efforts to secure additional pastoral visits for Marshall Brown.
10/11/2019	Erteschik, Andrew H.	\$222.00	0.1	\$22.20	Attention to email from opposing counsel re stipulation.
10/14/2019	Durnovich, John (JM) M.	\$222.00	0.1	\$22.20	Receipt and review of order granting continuance of stay.
10/30/2019	Durnovich, John (JM) M.	\$222.00	0.4	\$88.80	Communications with opposing counsel regarding proposed revisions to policies.
11/5/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Draft letter to Marshall Brown concerning [ACP information].
11/7/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Finish drafting update letter to Marshall Brown and coordinate transmission of same.

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
11/14/2019	Durnovich, John (JM) M.	\$222.00	0.3	\$66.60	Communications with opposing counsel regarding settlement prospects; coordinate request for conference call with Marshall Brown.
11/15/2019	Durnovich, John (JM) M.	\$222.00	0.5	\$111.00	Telephone conference with Kim Simon regarding strategy [ACP information].
11/18/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Telephone conference with Yvonne Ricci regarding status of visitations at Scotland Correctional.
11/19/2019	Durnovich, John (JM) M.	\$222.00	2.2	\$488.40	Communications with Kenneth Holmes regarding status of matter; telephone conference with Marshall Brown regarding [ACP information]; draft letter to Marshall Brown setting forth [ACP information].
12/3/2019	Durnovich, John (JM) M.	\$222.00	0.6	\$133.20	Telephone conference with Marshall Brown regarding [ACP information].
12/5/2019	Durnovich, John (JM) M.	\$222.00	0.4	\$88.80	Communications with Yvonne Ricci regarding proposed revisions to policy manual.
12/9/2019	Erteschik, Andrew H.	\$222.00	0.6	\$133.20	Review and analysis of email proposal from Department of Corrections and counterproposal. Conference with JM Durnovich re [ACP information].
12/9/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Meeting with Kim Simon and Andrew Erteschik regarding current matter status and [ACP information].
12/11/2019	Erteschik, Andrew H.	\$222.00	0.9	\$199.80	Review and analysis of settlement offers from opposing counsel. Conference with JM Durnovich and litigation team re same. Review and analysis of additional settlement correspondence with opposing counsel.
12/11/2019	Zinkow, N. Cosmo	\$222.00	0.6	\$133.20	Review and analysis of emails from Yvonne related to potential for settlement.
12/11/2019	Durnovich, John (JM) M.	\$222.00	1.4	\$310.80	Communications with Yvonne Ricci regarding proposed revisions to policy manual; draft proposed revisions to language and related stipulations for potential settlement.
12/13/2019	Durnovich, John (JM) M.	\$222.00	0.7	\$155.40	Communications with Yvonne Ricci regarding potential settlement and joint status report.
12/23/2019	Durnovich, John (JM) M.	\$222.00	0.2	\$44.40	Draft letter to Marshall Brown with updates regarding [ACP information].
1/15/2020	Erteschik, Andrew H.	\$228.00	0.2	\$45.60	Conference with JM Durnovich re [ACP information].
1/23/2020	Durnovich, John (JM) M.	\$228.00	0.2	\$45.60	Communications with opposing counsel regarding proposed consent decree.
1/28/2020	Durnovich, John (JM) M.	\$228.00	0.2	\$45.60	Telephone conference with Marshall Brown regarding [ACP information].
2/3/2020	Erteschik, Andrew H.	\$228.00	0.4	\$91.20	Reviewing and editing/revising draft consent decree. Related e-mail correspondence with JM Durnovich re same.
2/3/2020	Durnovich, John (JM) M.	\$228.00	0.2	\$45.60	Work on revising proposed consent decree.
2/4/2020	Durnovich, John (JM) M.	\$228.00	0.3	\$68.40	Work on revising proposed consent decree; Communications with opposing counsel regarding same.
2/11/2020	Erteschik, Andrew H.	\$228.00	0.1	\$22.80	Brief review of status report and e-mail correspondence with JM re same.
2/11/2020	Durnovich, John (JM) M.	\$228.00	0.6	\$136.80	Communications with opposing counsel regarding proposed consent decree and joint status report.
2/12/2020	Erteschik, Andrew H.	\$228.00	0.1	\$22.80	Attention to Court's scheduling order. Related e-mail correspondence with JM Durnovich.
2/18/2020	Durnovich, John (JM) M.	\$228.00	4.7	\$1,071.60	Meeting with Marshall Brown at Scotland C.I. to discuss [ACP information].

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit A)

Date	Name	Rate (PLRA)	Hours	Amount (PLRA)	Narrative
2/18/2020	Durnovich, John (JM) M.	\$228.00	2.6	\$592.80	Begin outlining fee petition; analysis of issues regarding entitlement to fee recovery.
2/19/2020	Durnovich, John (JM) M.	\$228.00	0.4	\$91.20	Draft notice of settlement and motion for entry of consent decree.
2/19/2020	Durnovich, John (JM) M.	\$228.00	2.9	\$661.20	Work on reviewing time entries for fee request and evaluating reasonableness of fee request.
2/20/2020	Durnovich, John (JM) M.	\$228.00	0.9	\$205.20	Analysis of issues regarding [ACP information].
2/24/2020	Erteschik, Andrew H.	\$228.00	0.6	\$136.80	Conference with JM Durnovich re [ACP information].
2/24/2020	Durnovich, John (JM) M.	\$228.00	0.5	\$114.00	Draft notice of settlement and joint motion for entry of consent decree; transmit same to Norlan Graves for review.

Brown v. Solomon, et al. - Plaintiff's Attorneys' Fees (Exhibit B)

Date	Bill Amount	Narrative
1/10/2019	\$59.60	Administrative Expenses
1/10/2019	\$19.40	VENDOR: LexisNexis INVOICE#: 1901007402 DATE: 1/31/2019 DURNOVICH JOHN
1/25/2019	\$166.92	Administrative Expenses
1/28/2019	\$249.40	Mileage; Marion Correction Institution; Client Interview
1/30/2019	\$108.34	Mileage; Marion Correctional Institution, Marion, NC
1/30/2019	\$30.46	VENDOR: Durnovich, John (JM) M.; INVOICE#: MARION/012519; DATE: 1/25/19 Marion, NC
2/22/2019	\$2.59	VENDOR: LexisNexis INVOICE#: 0120190307 DATE: 2/28/2019 SIMON KIM
3/14/2019	\$23.85	Administrative Expenses
3/30/2019	\$27.58	VENDOR: FEDEX INVOICE#: 650896592 DATE: 4/2/2019 Louis Fittipaldi TAYLORSVILLE NC
3/21/2019	\$13.22	VENDOR: LexisNexis INVOICE#: 1903007304 DATE: 3/29/2019 DURNOVICH JOHN
3/31/2019	\$0.60	VENDOR: Pacer Service Center INVOICE#: 0120190415 DATE: 3/31/2019 Research expenses for Pacer
4/8/2019	\$11.50	VENDOR: LexisNexis INVOICE#: 3092019715 DATE: 4/30/2019 DURNOVICH JOHN
5/23/2019	\$44.65	VENDOR: LexisNexis INVOICE#: 3092064015 DATE: 5/31/2019 DURNOVICH JOHN
6/18/2019	\$6.55	Administrative Expenses
6/28/2019	\$138.27	Administrative Expenses

Total: \$902.93